

**BRIAN J. STRETCH (CABN 163973)**  
United States Attorney

SARA WINSLOW (DCBN 457643)  
Chief, Civil Division

JULIE C. REAGIN (CABN 167934)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495  
Telephone: (415) 436-7181  
FAX: (415) 436-6570  
Julie.Reagin@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

## SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) CASE NO. CR 10-00245-001 CRB

Plaintiff, ) WRIT OF GARNISHMENT

V.

## KENNETH MARTIN KYLE,

Defendant.

TIAA CREF FINANCIAL SERVICES.

Garnishee.

TIAA CREF FINANCIAL SERVICES,  
Garnishee.

TO: TIAA-CREF  
Attn: Legal Department  
730 3rd Avenue  
New York, NY 10017

**YOU ARE HEREBY COMMANDED TO GARNISH FOR THE BENEFIT OF THE  
UNITED STATES OF AMERICA PROPERTY IN YOUR POSSESSION IN WHICH THE  
DEFENDANT-JUDGMENT DEBTOR HAS A SUBSTANTIAL, NONEXEMPT INTEREST.**

1       The name, last known address, and last four digits of the social security number of the person  
2 who is the defendant-judgment debtor ("defendant") in this action and whose property is subject to this  
3 Writ are as follows:

4           Kenneth Martin Kyle  
5           Missouri Department of Corrections  
6           ERDCC, 2727 Highway K  
7           Bonne Terry, MO 63628  
8           Social Security Number (last four digits): xxx-xx-1964

9       This Writ has been issued pursuant to a stipulation between the United States of America and  
10 Kenneth Martin Kyle, to enforce the collection of a criminal judgment entered in favor of the United  
11 States against the defendant for a debt in the original amount of \$50,100.00. As of July 25, 2016, the  
12 total balance due on the judgment debt, including accrued interest, is \$50,482.79. Interest continues to  
13 accrue after July 25, 2016, at approximately \$.28 per day.

14       The following are the steps that you must take to comply with this Writ. If you have any  
15 questions, you should consult with your attorney.

16       1. Pursuant to 28 U.S.C. § 3205(c)(2)(F) and the terms of the Stipulation filed in the above  
17 referenced case, you must immediately withhold and retain property of the defendant in which the  
18 defendant has a substantial nonexempt interest, or if you obtain custody, control, or possession of such  
19 property while this Writ is in effect, until you receive instructions from the United States regarding  
distribution and payment of the property at issue. Such property includes all 401K plans belonging to  
Defendant as identified in the Stipulation and currently in your possession.

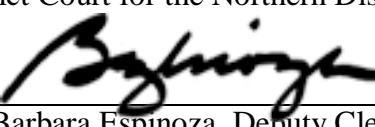
20       2. In accordance with the terms of the Stipulation, the garnishee shall pay to the United States ten  
21 annual payments over a nine-year period via a Transfer Payout Annuity (TPA), less the federal and state  
22 income tax withholding of 20% of the funds withdrawn from the account. The Garnishee shall pay to  
23 the Plaintiff the first annual payment under the TPA at the earliest available date and shall pay  
24 subsequent annual payments under the TPA until the balance is fully disbursed or until such time as the  
25 U.S. District Court terminates the garnishment order due to satisfaction of the restitution debt.

26       **IF YOU FAIL TO WITHHOLD PROPERTY IN ACCORDANCE WITH THIS WRIT,**  
27 **THE UNITED STATES MAY PETITION THE COURT FOR AN ORDER REQUIRING YOU**  
28 **TO APPEAR BEFORE THE COURT. IF YOU FAIL TO APPEAR OR DO APPEAR AND**

1 **FAIL TO SHOW GOOD CAUSE WHY YOU FAILED TO COMPLY WITH THIS WRIT, THE**  
2 **COURT WILL ENTER A JUDGMENT AGAINST YOU FOR THE VALUE OF THE**  
3 **DEBTOR'S NONEXEMPT INTEREST IN SUCH PROPERTY (INCLUDING NONEXEMPT**  
4 **DISPOSABLE EARNINGS). THE COURT MAY ALSO AWARD REASONABLE**  
5 **ATTORNEY'S FEES TO THE UNITED STATES AND AGAINST YOU.**

6 SUSAN Y. SOONG,  
7 Clerk of the United States  
8 District Court for the Northern District of California

9 Dated: August 19, 2016

10 By:   
11 Barbara Espinoza, Deputy Clerk